

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 205

SENATE BILL 1161

AN ACT

AMENDING SECTION 36-325, ARIZONA REVISED STATUTES; RELATING TO DEATH
CERTIFICATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-325, Arizona Revised Statutes, is amended to
3 read:

4 36-325. Death certificate registration; moving human remains;
5 definitions

6 A. Within seven calendar days after receiving possession of human
7 remains, a funeral establishment or responsible person who takes possession
8 of the human remains shall:

9 1. Obtain and complete the information, including the social security
10 number of the decedent, on the death certificate required pursuant to this
11 chapter and rules adopted pursuant to this chapter.

12 2. Provide on the death certificate the name and address of the person
13 completing the death certificate.

14 3. Submit the death certificate for registration to a local registrar,
15 a deputy local registrar or the state registrar. The funeral establishment
16 or responsible person may submit the death certificate by electronic means in
17 the format prescribed by the state registrar.

18 B. WITHIN SEVENTY-TWO HOURS AFTER RECEIVING A DEATH CERTIFICATE
19 PURSUANT TO THIS SECTION, a local registrar, a deputy local registrar or the
20 state registrar shall register a death certificate if it is accurate and
21 complete and submitted pursuant to this chapter and rules adopted pursuant to
22 this chapter.

23 C. Except as provided in subsection F of this section, if a person
24 dies under any of the circumstances described in section 11-593, subsection
25 A, the medical examiner shall complete and sign the medical certification of
26 death on a death certificate within seventy-two hours AFTER THE EXAMINATION,
27 EXCLUDING WEEKENDS AND HOLIDAYS. If the medical examiner cannot determine
28 the cause of death within that time, the medical examiner shall enter
29 "pending" for the cause of death and sign the medical certification of death
30 WITHIN SEVENTY-TWO HOURS AFTER THE EXAMINATION, EXCLUDING WEEKENDS AND
31 HOLIDAYS.

32 D. A local registrar, a deputy local registrar or the state registrar
33 shall register a death certificate if there is a medical certification of
34 death signed by the medical examiner with a pending cause of death.

35 E. Final disposition of human remains with a pending cause of death
36 shall not occur until the medical examiner releases the human remains for
37 final disposition.

38 F. When the medical examiner determines the cause of death, the
39 medical examiner shall submit the information to the local registrar, deputy
40 local registrar or state registrar.

41 G. If a person under the current care of a physician or nurse
42 practitioner for a potentially fatal illness dies of that illness, the
43 physician or nurse practitioner, if available, shall complete and sign the
44 medical certification of death on a death certificate within seventy-two
45 hours. If the physician or nurse practitioner is not available, the medical

1 examiner shall complete and sign the medical certification of death on a
2 death certificate WITHIN SEVENTY-TWO HOURS AFTER THE EXAMINATION, EXCLUDING
3 WEEKENDS AND HOLIDAYS.

4 H. If a person dies in a hospital, nursing care institution or hospice
5 inpatient facility, the following person shall complete and sign the medical
6 certification of death within seventy-two hours of the death:

7 1. If the person is under the care of a nurse practitioner, the nurse
8 practitioner or attending physician, if available.

9 2. If the person is not under the care of a nurse practitioner, the
10 attending physician, if available.

11 3. If the nurse practitioner or attending physician is not available,
12 the medical examiner.

13 I. If a person dies on an Indian reservation in this state and a
14 county medical examiner is not available, the tribal law enforcement
15 authority, acting in an official investigative capacity, may complete and
16 sign the medical certification of death.

17 J. If the place of death is unknown, the death is considered to have
18 occurred in the place where the human remains were found.

19 K. If a person dies in a moving conveyance, the death is considered to
20 have occurred in the place where the human remains were initially removed
21 from the conveyance. In all other cases, the place where death is pronounced
22 is considered the place where the death occurred.

23 L. The state registrar shall create and register a death certificate
24 when the state registrar receives a court order of a presumptive death. The
25 court order shall contain the following information, if known:

26 1. The decedent's name, social security number, date of birth, date of
27 death, cause of death and location of death.

28 2. Any other information necessary to complete a death certificate for
29 a presumptive death.

30 M. If a murder victim's body is not recovered, a conviction for the
31 murder is proof of death. The court shall forward a record of the conviction
32 to the state registrar. The state registrar shall obtain the personal data
33 regarding the murder victim from information provided by the court, a family
34 member of the murder victim or other ANOTHER reliable source and create and
35 register the death certificate.

36 N. For the purposes of this section: —

37 1. "Medical certification" means confirmation of a cause of death.

38 2. "PHYSICIAN" MEANS A PERSON WHO IS LICENSED PURSUANT TO TITLE 32,
39 CHAPTER 13, 14 OR 17.

APPROVED BY THE GOVERNOR APRIL 28, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.